

# SYCAMORE CITY COUNCIL

## AGENDA

September 20, 2004

### City Council Committee Meetings

**6:30 P.M. Meeting of the Ordinance Committee** to consider revisions to Section 6-5-6 of the City Code to update guidelines for non-profit solicitations within the public rights-of-way.

The revision proposed by the staff is as follows (new language is in **bold**):

6-5-6:           **ROADWAY SOLICITATION:** No person shall stand on a **City street** for the purpose of soliciting contributions from the occupant of any vehicle, except when all of the following conditions are complied with:

- A.     Stop Intersection: Said solicitation shall occur only at intersections where all traffic is required by law to come to a full stop. **No solicitation may occur on IL Rt. 23, IL Rt. 64, or Peace Road.**
- B.     Charitable Purposes: Said solicitation shall only be done by members of organizations registered with the Attorney General of the State under "An Act to Regulate Solicitations and Collection of Funds for Charitable Purposes."
- C.     Fund Raising: Said solicitation shall only be **undertaken by chapters, clubs, charities, or societies that have a Sycamore mailing address. Exception: When a chapter, club, charity or society may directly serve Sycamore citizens but does not have a Sycamore mailing address, a solicitation permit may be issued at the discretion of the City Manager.**
- D.     Liability: All persons engaging in said solicitations shall be liable for any injuries to any person or property during the solicitation, which is casually related to an act of ordinary negligence of said person or soliciting agent.
- E.     Age limitation: **All persons engaging in said solicitation shall be eighteen (18) years of age or older.**
- F.     **Vest: All persons engaging in such solicitation shall wear a high-visibility vest with iridescent markings.**
- G.     **Time Limitation: All solicitations must occur during daylight hours.**
- H.     Penalty: Notwithstanding any other applicable penalty under City ordinance to the contrary, the penalty for violation of this Section shall be as provided in Section 1-4-1 of this Code for each offense.

Committee direction is recommended.

\*\*\*\*\*

**Regular City Council Meeting**  
**At the Sycamore Center**  
**7:00 P.M.**

1. **CALL TO ORDER**
2. **INVOCATION**
3. **PLEDGE OF ALLEGIANCE**
4. **APPROVAL OF AGENDA**
5. **AUDIENCE TO VISITORS**
6. **CONSENT AGENDA**
  - A. Approval of the Minutes for the City Council Meeting of September 7, 2004;
  - B. Payment of the Bills for September 20, 2004.
  - C. Plan Commission Minutes for the Regular Meeting of August 9, 2004.
7. **PRESENTATION OF PETITIONS, COMMUNICATIONS, AND BILLS.**
  - A. Introduction of Ryan Kelly, City Intern. Mr. Kelly is beginning his graduate work in the Public Administration program of the NIU Political Science Department and has agreed to a part-time internship commitment with the City of Sycamore.
  - B. Consideration of a Presentation by the Sycamore Economic Development Commission. Commissioner Bill Nicklas will introduce Paul Barnaby who will give a brief overview of the history and products of Barnaby Printing Services of 1620 DeKalb Avenue.
8. **REPORTS OF OFFICERS**
9. **REPORTS OF STANDING COMMITTEES**
10. **PUBLIC HEARINGS--None**
11. **ORDINANCES**
  - A. **Ordinance No. 2004.41—An Ordinance Amending Title 9-3-2, “Building Sewer,” to Permit the Use of SDR-26 Plastic Pipe and Gasketed Fittings Within the Public Right-of-Way in the City of Sycamore, Illinois. First and Second Reading.**

On September 7, the City Council’s Water and Sewer Committee endorsed an Administration proposal to amend Section 9-3-2 of the City Code to permit the use of thick-walled, SDR-26 plastic pipe and gasketed fittings within City rights-of-way when

necessary to make repairs with either clay pipe or cast iron pipe sections. The specific language was as follows:

“Sewer Lateral in Right-of-Way. That portion of the building sewer which extends from the sanitary sewer main to the adjacent property line shall consist of the following materials: extra-strength vitrified clay pipe; standard strength cast iron soil pipe with approved joints; or SDR-26 plastic pipe and gasketed fittings.”

The attached ordinance would make this recommended change. City Council approval is recommended.

**B. Ordinance No. 2004.42—An Ordinance Concerning the Recommendation of the Plan Commission With Regard to a Petition from Milan Krpan for Approval of a Final Plat for Unit Four of the Parkside Estates Subdivision in the City of Sycamore, Illinois. First and Second Reading.**

The attached final plat depicts 126 detached single family lots and two park areas, Lots 601 and 602. Lot 601 forms the east portion of the larger “hub” park required in the Reston Ponds development. On July 15, 2002, the City Council approved final plats for Units Two and Three of the Parkside estates Planned Unit Development. As the Commission may recall, Unit One consisted of 15 lots in a cul-de-sac at the end of the eastward extension of Fairway Lane, and the approval of Units Two and Three assured that Parkside Drive and its attendant water and sewer mains would be extended from Bethany Road to Fairway Lane.

City Engineer John Brady has reviewed the attached plat and has concluded that it satisfies the City’s applicable codes and ordinances. Recently, Park District officials and Mr. Krpan reached agreement on some outstanding issues concerning the conservation area at the east edge of the plat. Both parties agree that the District will escrow certain funds for the conservation land to be dedicated, and that Mr. Krpan will convey titles to two parcels comprising such conservation land, pending the Council’s approval of the plat.

The Plan Commission voted 9-0 on September 13 to recommend the Council’s approval of this plat, with the condition that the hub park be named “Stapleton Memorial Park” on the plat before recording. City Council approval of the Plan Commission recommendation is requested.

**C. Ordinance No. 2004.43—An Ordinance Concerning the Recommendation of the Plan Commission With Regard to the Vacation of a Portion of the South Maple Street Right-of-Way Adjoining 202 West State Street in the City of Sycamore, Illinois. First and Second Reading.**

Paul and John Schwartz, owners of PJ’s Courthouse Tavern & Grille, would like to create an outdoor dining space along the east wall of their building at 202 West State Street. The opportunity to do so arises because the reconstruction of South Maple Street will reduce the street traffic to one lane, and will involve a considerable widening of the sidewalk area next to the restaurant. The owners have consulted with Mayor Swedberg and the City staff and out of these discussions a consensus has been reached on the parameters of an outdoor dining space. The details are as follows:

- The “footprint” for the dining space must be privately owned, since the City liquor codes prohibit the sale of alcohol on public property, except in the limited case of outdoor special events (e.g. the Chamber’s September street dance; PJ’s annual street dance; etc.). Once the street improvements are completed and the outdoor dining area is defined, there will remain about 7-8 feet of sidewalk space between the curb and the dining area for pedestrians to walk around the dining area.
- The dining area will be defined by a permanent masonry border with a wrought iron rail to tastefully blend in with the surrounding masonry structures.
- The integrity of the brick façade adjacent to, and above, the proposed outdoor dining area will be investigated and any necessary tuckpointing will be performed before occupancy is permitted.

The restaurant building presently encroaches on the public way by about two feet, so as a matter of course this encroachment will be removed.

The City is not asking for compensation for the portion of the right-of-way that would be vacated, because of the expectation that the owners will make a substantial investment to create a desirable amenity along the reconstructed South Maple streetscape.

The Plan Commission considered the attached plat of vacation on September 13 and recommended the Council’s approval by a vote of 9-0. City Council approval of the Plan Commission recommendation is requested.

**D. Ordinance No. 2004.44—An Ordinance Concerning the Recommendation of the Plan Commission With Regard to the Final Plat for the Hickory Terrace Planned Unit Development in the City of Sycamore, Illinois. First and Second Reading.**

The Hickory Terrace P.U.D. was approved by the City Council on February 16, 2004. The attached final plat comprises the entire development area of about 30 acres at the southeast corner of Peace Road and Freed Road. The developers, Brad and Dave Sanderson, have platted the 49 single-family detached lots and the retention areas only. The larger Lot 50 is dedicated for townhouse development but a final plan for such multifamily development has not yet been submitted.

The Plan Commission reviewed this plat on September 13 and recommended the Council’s approval by a vote of 9-0. City Council approval of the Plan Commission recommendation is requested.

**E. Ordinance No. 2004.45—An Ordinance Concerning the Recommendation of the Plan Commission With Regard to the Final Plat for the Prairie Professional Park in the City of Sycamore, Illinois. First and Second Reading.**

The preliminary plat for the Prairie Professional Park was approved on June 21, 2004 at the time of the approval of the annexation agreement and annexation of the 12.4-acre commercial property. The developer, Dr. Dennis Collins, and his development team have been working with the City staff since late June to work out the details for a final plat that would permit the sale of these prime commercial lots.

The attached plat depicts 10 buildable lots. Lot 2 currently has an existing building with a front setback of less than fifty feet. The surveyor's note on the plat correctly identifies such an encroachment as permissible. In addition, the surveyor's note affirms that the detention ponds on Lots 1, 4 and 10 will be maintained by a propertyowner's association.

At the Plan Commission meeting of September 13, Commissioner McBride noted that the plat contained a reference to the development area being within the Sycamore School District, but added that it may be the case that it is actually within the DeKalb School District. City Engineer John Brady offered to review the district boundary and, if necessary, arrange to have the plat language revised before recording. On this basis, the Commission voted 9-0 to recommend the Council's approval of the plat. City Council approval of the Plan Commission recommendation is requested.

**F. Ordinance No. 2004.46—An Ordinance Approving the Execution of a Boundary Line Agreement Between the City of Sycamore, the City of Genoa, and the County of DeKalb. First and Second Reading.**

The 2003 Comp Plan identified many goals and objectives. At the top of the list of objectives in pursuit of the preservation of our small town identity was a clearer definition of our growth limits, including our ultimate northern boundary. As the Council knows, the Plan identifies Whipple Road as the permanent northern "edge" of Sycamore and anticipates a large "green space" between Sycamore's northern boundary and Genoa's southern boundary. However, without some agreement with Genoa and also DeKalb County, the expectation of a permanent green space separating Sycamore and Genoa would be difficult to enforce. Hence, the Plan called for a "boundary agreement with Genoa" (see page 29 of the Plan).

Since the winter of 2004, Sycamore, Genoa, and DeKalb County officials have been discussing the possible terms for such an agreement. The attached draft agreement details the consensus that has emerged from these conversations. A colored map illustrating the land area covered by the agreement has also been attached for the Council's review.

The specific terms of the proposed boundary agreement are as follows:

- a) Sycamore's northern boundary remains Whipple Road, as depicted in the 2003 Land Use Map.
- b) Genoa's permanent southern boundary will be just south of the Ellen Oaks subdivision, which is south of Base Line Road.
- c) The parties (Sycamore, Genoa, and DeKalb County) agree that the intervening land area which stretches to Pleasant Hill Road on the west and the DeKalb County line on the east shall remain within the County's planning jurisdiction, and that no development would be permitted within such green space without the concurrence of all parties.
- d) The term of this agreement shall be twenty (20) years.

City Council approval is recommended. The City of Genoa will be taking up this matter at a regular meeting next week, and the County of DeKalb will consider the proposed agreement in committee later this month.

12. **RESOLUTIONS--None**

13. **CONSIDERATIONS**

**A. Consideration of the Compensation of Elected Officials for the Period April 2005 Through April 2009.**

According to state statute (50 ILCS 145/2; 65 ILCS 5/3.1-50-10), the compensation of elected officials must be fixed by ordinance at least 180 days before the beginning of the terms of officials whose compensation is to be fixed. The salaries of elected officials may not be increased or diminished during the terms of such officials.

Presently, the following salaries are paid to Sycamore elected officials:

- a) Mayor: a gross annual salary of \$18,000 plus an additional \$2,000 for service as Liquor Commissioner.
- b) Council: \$125 per regular meeting and \$50 for each special meeting.
- c) City Clerk: a gross annual salary of \$39,500. This salary includes service to the Plan Commission, Zoning Board and a variety of ad hoc committees appointed by the Mayor.
- d) City Treasurer: a gross annual salary of \$15,000. By action of the City Council on August 2, 2004, the elected Treasurer position will be eliminated at the end of the Treasurer's present term in April 2005. At the same meeting, the Council expressed its intent to transfer the duties of the Treasurer to an appointed official (other than the City Manager) as part of the annual budget process at the second regular meeting in April 2005.

City Clerk Candy Smith addresses the subject of the Clerk's compensation in the attached letter. As she explains, the City Clerk is a full-time position. In weighing a fair compensation for this position, the Council may wish to consider that the record-keeping and administrative functions of the Clerk are comparable to those of senior administrative assistants in other professional organizations. City Clerk Smith has suggested a new gross salary of **\$45,900** for the period stretching from May 1, 2005 through mid-April of 2009. This salary compares favorably with the average salary (\$47,075) of full-time City Clerks in 12 comparable cities, and would represent an average annual increase of 2% for the period 2001 to 2009.

City Council direction is requested.

**B. Consideration of a Plan Commission Recommendation Regarding a Proposed Amendment to the Townsend Wood Annexation Agreement.**

This matter was brought to the Plan Commission on September 13 because the City staff lack administrative authority to resolve a dilemma relating to the timing of the completion of certain improvements at the intersection of Mt. Hunger Road and Illinois Route 23. The Townsend Wood annexation agreement was last revised on January 21, 2002. At that time, both the Landahl and Townsend Wood agreements were revised to provide more detailed expectations regarding the completion of road and traffic signal improvements at the corner of Maplewood Drive and IL Route 23, and the corner of Mt. Hunger Road and IL Route 23. Among other things, the revised Townsend Wood agreement required the

commencement of the intersection improvements at Mt. Hunger Road and Rt. 23 “triggered” by one of the following:

- a) when a total of 275 permits had been issued for the Townsend Wood subdivision, inclusive of townhomes and condos; or
- b) when a total of 200 permits had been issued along with permits for the development of 10 or more acres on the commercially zoned property on either side of the Mt. Hunger intersection; or
- c) when any resurfacing project on Rt. 23 initiated by IDOT would include the intersection of Rt. 23.

We have now arrived at one of the thresholds for the commencement of the Mt. Hunger intersection improvements, namely the issuance of a total of 275 building permits, in part because of the active construction pace associated with ARC Design’s condominiums. The question before the Commission on September 13 was: how should the developer be held accountable for completion of the desired traffic signal and road improvements at the intersection of Mt. Hunger and IL Route 23?

The Plan Commission considered the following detailed proposal on September 13:

- a) the Developer (or successor) agrees to post a \$500,000 letter of credit for the Mt. Hunger intersection and traffic signal improvements. This action would encourage steady efforts on the part of the developer, although it would not necessarily impel IDOT to proceed more expeditiously;
- b. Upon the posting of the letter of credit in the amount of \$500,000 for the Mt. Hunger Road improvements, the City will release the developer’s \$500,000 letter of credit for the Maplewood improvements, since the developer already has a \$500,000 letter of credit with IDOT to secure the completion of such improvements.
- c) In the event the developer does not file a revised intersection design study (IDS) with IDOT by October 1, 2004, or fails to submit construction plans to IDOT within 60 days of IDOT’s approval of the revised IDS, or fails to commence construction of the intersection improvements within 60 days of IDOT’s issuance of a permit for construction, an additional letter of credit in the amount of \$500,000 will be posted with the City for the Mt. Hunger intersection improvements.
- d) a written quarterly report shall be submitted to the Council by the developer’s engineer to keep the Council apprised of IDOT reviews and permit processing.

With the concurrence of the developer, the Plan Commission voted 9-0 to recommend the understanding detailed above. If the Council is in agreement, the City Manager will work with the City Attorney to draft a new Townsend Wood annexation agreement that incorporates all previous revisions and the foregoing understanding in one document. After consultation with the developer and his attorney, a mutually satisfactory document will be presented to the Plan Commission at its October 11 meeting. Following the Plan Commission’s review, the revised annexation agreement will be presented to the City Council on October 18 for review.

City Council concurrence with the Plan Commission's recommendation is requested.

**C. Consideration of an Administration Report on Negotiations with Comcast for a Franchise Renewal.**

The City Manager and representatives of Comcast have been negotiating a franchise extension since June. The present franchise has a fifteen-year term which expires on February 16, 2005. The current franchise fee is 5 percent of annual subscriber revenues, paid on a quarterly basis. In FY04, Comcast generated revenues of about \$112,000.

The parameters for the local negotiation of cable franchise terms are substantially limited by federal law. The underlying law is the Cable Communications Policy Act of 1984, as amended. This enactment provides the following:

- a) a renewal window. In this instance, Comcast requested a renegotiation within the prescribed time frame and is thereby entitled to formal administrative hearings if the present informal negotiation process breaks down;
- b) a presumption that the locality will renew its franchise unless the cable operator no longer has the financial or technical ability to continue or the operator no longer has the ability to meet our community's "future cable-related community needs." This provision assumes that needs can be met at a price, and the cable operator is welcome to charge what the community will bear.
- c) Office hours and telephone availability. Each cable system must maintain a toll-free or collect call telephone line for customer calls. The line must be available 24 hours a day, 7 days a week. A call to the cable system must be answered by a customer representative, including wait time, within 30 seconds after the connection is made. If the call is transferred, the transfer time may not exceed 30 seconds. These standards must be met at least 90% of the time, measured quarterly, under normal operating conditions. In addition, under normal operating conditions, cable customers should not receive a busy signal more than 3% of the time. If a local franchise authority believes these standards are not being met, it may require the operator to acquire equipment or conduct surveys to attain compliance. Otherwise, the FCC only requires the cable operator to use "best efforts" to document compliance.
- d) Installations, outages, and service calls. Standard installations must be performed within 7 days after an order has been properly placed. Such installations are defined as installations within 125 feet of the existing distribution system. The cable operator must also begin service work on service interruptions no later than 24 hours after being notified of the problem. A service interruption is defined as picture or sound that is entirely lost. Service calls can be scheduled for specific times or during four-hour time blocks during normal business hours. These and other federal standards affecting service interruptions or service calls must be met at least 25 percent of the time measured on a quarterly basis.
- e) Billing practices. Federal standards require 30 days notice to be given to subscribers of any changes in rates or programming. On at least an annual basis,

the cable operator must provide subscribers with a full list of products and service and related prices.

- f) Complaints. The local franchise authority bears the responsibility for regulating and enforcing the customer service standards. There is no enforcement mechanism for the FCC to become involved other than through FCC filing procedures invoked in the face of a substantial pattern of violations or system failures.
- g) Programming. The local authority has no control over the programming choices, channel numbers, etc.
- h) Term. The local authority may only deal with a franchise renewal once every 8 to 15 years.

The negotiations have produced a draft that includes the following terms:

- a) A non-exclusive franchise. Although no competitor has expressed an interest in creating an alternative cable infrastructure or paying Comcast for use of its infrastructure, a different cable operator might someday appear and the City would not be precluded from negotiating a franchise agreement with that operator.
- b) A term of eight years from the effective date of the agreement;
- c) A franchise fee of 5% of annual gross revenues from the franchise area;
- d) a security fund to reimburse the City against out-of-pocket costs associated with damage to the City rights-of-way during service operations;
- e) Substantially increased insurance limits to indemnify the City against liability for bodily injury or property damage associated with the operation of the system. The adjustments are approximately ten times the current amounts (e.g. an increase from \$100,000 to \$1 million per occurrence, and from \$300,000 to \$3 million in the aggregate for bodily injury and property damage).
- f) The company will provide an Emergency Alert system at its own expense to override normal programming in case of severe weather or other emergencies.
- g) Considerable detail on federally-mandated installation and service standards that were missing from the current agreement;
- h) A thirty-day notice period for notifying customers of changes in programming or price;
- i) A government access channel will be provided at no charge to the City for non-commercial government access on the basic service tier, and will be available 24 hours a day. The cost of establishing the capacity to transmit government programming falls to the City. However, the operator will provide the necessary equipment to originate a link at the City's request. In other words, if the City should ever decide to broadcast public meetings, the City would have a dedicated channel to do so, but the City would have to pay for the broadcast equipment and the labor needed to operate such a system.
- j) One free service connection at a City building. Such connection has been identified in the Sycamore Center.

In recent years, Comcast had made significant improvements in its programming options and service. The introduction of high-speed internet service throughout the Sycamore city

limits has been a welcome business option. In addition, the incidence of complaints to City offices has decreased dramatically as the technical components of the system have been improved, and as company policy has changed to aspire to faster responses to service needs. The attached franchise agreement provides the features required by federal law, and some additional features as well (e.g. the provision of a government access channel). The proposed term of the agreement—8 years—is the shortest allowable term, which is important in view of the rapid pace of technological change. City Council direction is recommended. If the Council is agreeable, an ordinance renewing the franchise can be prepared for a future agenda.

Apart from the franchise agreement, the City may wish to engage Comcast representatives in a planning discussion about the benefits of investing in broadband as an economic development policy. To become more competitive economically, businesses are looking more aggressively at broadband accessibility, but the costs of installing the infrastructure at scattered sites is significant. In the future, a community's willingness to assist businesses in this fashion may be a more important incentive than more traditional forms of business attraction.

**D. Consideration of an Administration Report on the Response to the Request for Proposals to Study the Fiscal Impact of Residential, Commercial and Industrial Growth on the Budgets and Services of Local Taxing Bodies in 2004.**

On August 2 the City Council directed the City Manager to prepare a request for proposals to study the fiscal impact of development on local taxing bodies. An RFP was prepared shortly afterward (see attached). The RFP was advertised in the print media and copies were sent to four firms that have worked on similar projects in the northern Illinois area (see the attached list). The deadline for a response was Friday, September 10.

Only one entity—the Center for Governmental Studies (CGS) of Northern Illinois University—responded. A copy of the CGS response is appended, as well as a copy of the agency's proposed fee. The Center has a strong reputation for professional studies of the type anticipated in the City's RFP. The project manager, Roger Dahlstrom, has a long resume (see attached) featuring a variety of fiscal studies with relevance to the scope of work, and recently completed a similar study for the City of St. Charles.

In his submittal, Mr. Dahlstrom priced each of the tasks associated with the planned study. The total price for the project is \$39,500. Although a number of the tasks outlined in the proposal overlap, Tasks 2, 3, 4 & 5 will involve considerable contact with School District, Park District, and Library staffs, and extensive analysis of their budgets, audits, and capital and operating plans. The combined cost of Tasks 2, 3, 4 & 5 is \$18,000. At the August 2 Council meeting, the Council expressed interest in requesting financial assistance from other local taxing bodies in proportion to their role in the study. If the Council approves a contract with the Center, direction on the level of financial reimbursement expected of other taxing bodies will be needed.

**The City Manager recommends that the Council enter a contract with CGS in the amount of \$39,500.** To pay the upfront costs, some City monies—about \$10,000—could

be shifted from the professional services line item in the Capital Assistance Fund (06-8331). There are no other dedicated capital funds for such analysis. The balance could be drawn from undedicated funds in the Sales Tax Distributive Fund which receives sales tax revenues from United Aviation Fuels (22-8331). Both Fund 6 and Fund 22 will need to be revised as the Council considers the FY04 audit results this fall, and at that time budget revisions can be made to better reflect the spending for the combined fiscal study. Although the upfront cost of the fiscal study can be borne by the City to complete the project, the City Manager believes a financial contribution from the other taxing bodies is appropriate because it is likely that the final report will be useful in the future operational and capital planning of those taxing bodies.

**14. APPOINTMENTS**

**15. ADJOURNMENT**